1 - Mr. D. J. Dalbey
1 - Mr. E. S. Miller
1 - Mr. W. A. Branigan
1 - Mr. J. P. Thomas

The Deputy Attorney General

October 24, 1972

Acting Director, FBI

FREEDOM OF INFORMATION ACT REQUEST -
BERNARD FENSTERWALD, JR.

Reference is made to my letter dated September 15, 1972, and to my letter to the Director, Central Intelligence Agency, dated September 22, 1972. A copy of the latter communication was directed to you.

As stated in the referenced communications, the photographs sought by Mr. Fensterwald, described in his letter to you dated August 28, 1972, are not in FBI files. The General Counsel of the Central Intelligence Agency informed this Bureau by letter dated October 11, 1972, that there is no way in which the 20 photographs sought can be identified by that Agency. The General Counsel commented that since the pictures had no relevance to the Lee Harvey Oswald case, no identification was made at the time they were displayed to Pedro Gutierrez Valencia in Mexico in 1964, and unless they were otherwise of intelligence interest, they would have been routinely destroyed. The General Counsel requested that we reply to Mr. Fensterwald along those lines without specifically identifying the Central Intelligence Agency.

Accordingly, pursuant to the request in your September 6, 1972, letter, enclosed herewith are the original and one copy for your files of a letter for your signature in response to Mr. Fensterwald, stating the unavailability of the 20 photographs he sought.

Enclosures - 2

62-112697

1 - 105-82555 (Lee Harvey Oswald)
1 - 62-81830 (FOI Act)

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105-82555

SEE NOTE PAGE TWO

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DEPUTY ATTORNEY GENERAL

Section 237

The Deputy Attorney General

NOTE:

Fensterwald, head of the "Committee to Investigate Assassinations," has made repeated requests for information relating to the assassination of President John F. Kennedy and has sued the Government to obtain such information on at least two occasions. He now seeks 20 photographs, which Legat, Mexico, showed to Gutierrez on 2/20/64 in an attempt to identify an individual Gutierrez claimed was Lee Harvey Oswald and whom Gutierrez claimed to have seen in Mexico City on 10/1/63. Inasmuch as Gutierrez did not recognize the subjects of any of the photographs, they were not retained by Legat, Mexico. By letter dated 9/15/72 we informed the Deputy Attorney General that the photographs were not at FBI Headquarters and that we were attempting to locate them through Legat, Mexico. By letter to CIA, copy to the Deputy Attorney General, 9/22/72, we asked CIA if it could locate the photographs. As indicated above, CIA is unable to do so and does not desire to be identified with them in correspondence to Fensterwald.